

## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

REC'D 05 OCT 2004

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(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 35474WOP00	FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416).
International Application No. PCT/AU2003/000605	International Filing Date (day/month/year) 20 May 2003	Priority Date (day/month/year) 20 May 2002
International Patent Classification (IPC) or national classification and IPC Int. Cl. <sup>7</sup> B61L 27/00, G09D 1/00		
Applicant TMG INTERNATIONAL HOLDINGS PTY LIMITED et al		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 3 sheets, including this cover sheet.

This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheet(s).

3. This report contains indications relating to the following items:

I	<input checked="" type="checkbox"/> Basis of the report
II	<input type="checkbox"/> Priority
III	<input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
IV	<input type="checkbox"/> Lack of unity of invention
V	<input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
VI	<input type="checkbox"/> Certain documents cited
VII	<input type="checkbox"/> Certain defects in the international application
VIII	<input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 10 October 2003	Date of completion of the report 16 September 2004
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer  <b>JOHN HO</b> Telephone No. (02) 6283 2329

## I. Basis of the report

## 1. With regard to the elements of the international application:\*

the international application as originally filed.

the description, pages , as originally filed,  
pages , filed with the demand,  
pages , received on with the letter of

the claims, pages , as originally filed,  
pages , as amended (together with any statement) under Article 19,  
pages , filed with the demand,  
pages , received on with the letter of

the drawings, pages , as originally filed,  
pages , filed with the demand,  
pages , received on with the letter of

the sequence listing part of the description:  
pages , as originally filed  
pages , filed with the demand  
pages , received on with the letter of

## 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language which is:

the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).

the language of publication of the international application (under Rule 48.3(b)).

the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

## 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

contained in the international application in written form.

filed together with the international application in computer readable form.

furnished subsequently to this Authority in written form.

furnished subsequently to this Authority in computer readable form.

The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

4.  The amendments have resulted in the cancellation of:

the description, pages

the claims, Nos.

the drawings, sheets/fig.

5.  This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Claims -	YES
	Claims 1	NO
Inventive step (IS)	Claims -	YES
	Claims 1	NO
Industrial applicability (IA)	Claims 1	YES
	Claims -	NO

**2. Citations and explanations (Rule 70.7)**

The following documents identified in the International Search Report have been considered for the purposes of this report:

D1 - WO 2001/062573 A1  
 D2 - WO 2001/049550 A1  
 D3 - US 6154735 A

**NOVELTY (N): Claim 1**

The invention defined by claim 1 is disclosed by citation D1. Specifically, D1 discloses the use of a transitivity module which uses a data module having stored time table dependencies of trains and predefined train sequences and the use of a second sequence module for checking whether a compulsory sequence is scheduled for the trains. This citation also refers to a "UeV" (page 4 lines 19-24) which is a congestion prevention system to control the routing of trains along a given track. It is understood that the transitivity module would have included the schedules of trains including "earliest start" or "earliest arrival" of the trains in order to prevent congestion of the train system.

D2 discloses a train scheduling process for arranging the schedules of trains on a given track such that the trains can meet their schedule without causing congestion on the tracks. Page 44 clearly refers to a derived train schedule displaying a set of trains wherein the departure times (and consequently the arrival time) of each train is shown and displayed such that a train can be chosen to move over a selected rail link without causing congestion. This citation also discloses the invention defined by claim 1.

D3 refers to a method of optimising all aspects of a train schedule system. Part of the optimising step involves the input of the earliest departure times, the arrival times, the point of origin and the final destination (see column 12 line 66-column 13 line 13 and column 14 line 44-column 19 line 49). This citation also discloses the invention defined by claim 1.

**INVENTIVE STEP (IS): Claim 1**

Claim 1 also lack an inventive step for the reasons given above.